IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5313 OF 2004

Mr. Santosh Sunil Jatap .. Applicant.

V/s.

The State of Maharashtra .. Respondent.
(Virar Police Station)

Shri M.S. Adenwala for Applicant.
Shri D.R. More, APP for Respondent -State.
Shri D. N.Salvi for Norcotics C.B.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 03, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. As no identification parade has been held coupled with the fact that the recovery is from the open place and that the co-accused has already been acquitted in connection with the same offence and no good reason is forthcoming for separating the trial of the present applicant, especially when the applicant is in custody since 1st December, 2003 and the trial against the co-accused proceeded thereafter, to my mind, taking over all view of the matter this is a fit

case for releasing the applicant on bail. Hence the following order :-

(a) The Applicant is directed to be released on bail in connection with C.R. NO. I 103/ 2003, registered with the Virar Police Station, on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentyfive thousand only) with two local sureties in the like amount.

(b) The Applicant shall extend full co-operation to the investigating officer as well as for early disposal of the trial. If the trial court is of the opinion that he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(c) He shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Ordered accordingly.

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